

CHRISTOPHER RASHAAD GRAHAM SR. #23170014

Full Name/Prisoner Number

PO BOX 300WAYMART, PENNSYLVANIA. 18472

Complete Mailing Address

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF [REDACTED] Pennsylvania

Civil Action No. \_\_\_\_\_

(To be supplied by the Court)

FILED  
SCRANTON

APR 08 2020

CHRISTOPHER RASHAAD GRAHAM SR. #23170014

Plaintiff(s)

(Do not use *et al.*)

DEPUTY CLERK

v. (Warden)

(Doctor)

(PA-C)

ERIC BRADLEY, DIANE SOMMER, KENNETH KAISER,

(PA-C)

RHEA CAREY, FBOP MEDICAL EMPLOYEE, AW. MR. ECKERT,(Do not use *et al.*)

(PA-C)

H. Walters, Regional Clinical Director, Officer T. Sykes, Unknown Officer

## PRISONER'S CIVIL RIGHTS COMPLAINT

## A. PARTIES

1. CHRISTOPHER R. GRAHAM SR. is a citizen of CONNECTICUT who  
(Plaintiff) (State)  
presently resides at UNITED STATES PENITENTIARY CANAAN PO BOX 300 WAYMART, PA. 18472  
(mailing address or place of confinement)
2. Defendant MR. ERIC BRADLEY is a citizen of PENNSYLVANIA  
(name of first defendant) (State)  
whose address is USP CANAAN PO BOX 400 WAYMART, PA. 18472  
and who is employed as WARDEN At the time the claim(s)  
(title and place of employment)

alleged in this complaint arose, was this defendant acting under color of state law?

☒ Yes ☐ No. If your answer is "Yes," briefly explain:

THIS INCIDENT OCCURED IN A FEDERAL FACILITY WHICH EMPLOYES  
THE DEFENDANTS. (EMPLOYEED BY FBOP)

3. Defendant MRS. DIANE SOMMER is a citizen of PENNSYLVANIA  
 (name of second defendant) (State)

whose address is USP CANAAN PO BOX 400 WAYMART, PA 18472

and who is employed as MEDICAL DOCTOR. At the time the claim(s)  
 (title and place of employment)

alleged in this complaint arose, was this defendant acting under color of state law?

☒ Yes ☐ No. If your answer is "Yes," briefly explain:

THIS INCIDENT OCCURED IN A FEDERAL FACILITY WHICH EMPLOYES  
THE DEFENDANTS. (EMPLOYEED BY FBOP)

(If more space is needed to furnish the above information for additional defendants, continue on a blank sheet which you should label "A. PARTIES." Be sure to include each defendant's complete address and title.)

## B. JURISDICTION

1. Jurisdiction is asserted pursuant to (CHECK ONE)

☐ 42 U.S.C. § 1983 (applies to state prisoners)

☒ Bivens v. Six Unknown Named Agents of Fed. Bureau of  
Narcotics, 403 U.S. 388 (1971) and 28 U.S.C. § 1331  
 (applies to federal prisoners)

2. Jurisdiction also is invoked pursuant to 28 U.S.C. § 1343(a)(3). (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)

28 CFR 14.2 "TORT CLAIM"

A. PARTIES (DEFENDANTS)

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4. DEFENDANT KENNETH KAISER IS A CITIZEN OF PENNSYLVANIA  
WHO ADDRESS IS USP CANAAN PO BOX 400 WAYMART, PA 18472  
AND WHO IS EMPLOYED AS PA-C. AT THE TIME OF THE CLAIM(S)  
ALLEGED IN THIS COMPLAINT AROSE, WAS THE DEFENDANT ACTING  
UNDER COLOR OF STATE LAW? ☒ YES ☐ NO. EXPLAIN IF YES.

THIS INCIDENT OCCURED IN A FEDERAL FACILITY WHICH EMPLOYES  
THE DEFENDANTS. (EMPLOYED BY FBOP)

5. DEFENDANT RHEA CAREY IS A CITIZEN OF PENNSYLVANIA  
WHO ADDRESS IS USP CANAAN PO BOX 400 WAYMART, PA. 18472  
AND WHO IS EMPLOYED AS PA-C. AT THE TIME OF THE CLAIM(S)  
ALLEGED IN THIS COMPLAINT AROSE, WAS THE DEFENDANT ACTING  
UNDER COLOR OF STATE LAW ☒ YES ☐ NO. EXPLAIN IF YES.

THIS INCIDENT OCCURED IN A FEDERAL FACILITY WHICH EMPLOYES  
THE DEFENDANTS. (EMPLOYED BY FBOP)

6. DEFENDANT H. WALTERS IS A CITIZEN OF PENNSYLVANIA  
WHO ADDRESS IS USP CANAAN PO BOX 400 WAYMART, PA. 18472.  
AND WHO IS EMPLOYED AS PA-C. AT THE TIME OF THE CLAIM(S)  
ALLEGED IN THIS COMPLAINT AROSE, WAS THE DEFENDANT ACTING  
UNDER COLOR OF STATE LAW ☒ YES ☐ NO EXPLAIN IF YES.

THIS INCIDENT OCCURED IN A FEDERAL FACILITY WHICH EMPLOYES  
THE DEFENDANTS. (EMPLOYED BY FBOP)

A. PARTIES (DEFENDANTS)

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7. DEFENDANT S. DAWATT IS A CITIZEN OF PENNSYLVANIA WHO ADDRESS IS USP CANAAN PO BOX 400 WAYMART, PA. 18472 AND WHO IS EMPLOYED AS DOCTOR AT THE TIME OF THE CLAIM(S) ALLEGED IN THIS COMPLAINT AROSE, WAS THE DEFENDANT ACTING UNDER COLOR OF STATE LAW ☒ YES ☐ NO EXPLAIN IF YES.

THIS INCIDENT OCCURED IN A FEDERAL FACILITY WHICH EMPLOYES THE DEFENDANTS. (EMPLOYED BY FBOP)

8. DEFENDANT T. SYKES IS A CITIZEN OF PENNSYLVANIA WHO ADDRESS IS USP CANAAN PO BOX 400 WAYMART, PA. 18472 AND WHO IS EMPLOYED AS OFFICER AT THE TIME OF THE CLAIM(S) ALLEGED IN THIS COMPLAINT AROSE, WAS THE DEFENDANT ACTING UNDER COLOR OF STATE LAW ☒ YES ☐ NO EXPLAIN IF YES.

THIS INCIDENT OCCURED IN A FEDERAL FACILITY WHICH EMPLOYES THE DEFENDANTS. (EMPLOYED BY FBOP)

9. DEFENDANT MR. ECKERT IS A CITIZEN OF PENNSYLVANIA WHO ADDRESS IS USP CANAAN PO BOX 400 WAYMART, PA 18472 AND WHO IS EMPLOYED AS ASSISTANT WARDEN AT THE TIME OF THE CLAIM(S) ALLEGED IN THIS COMPLAINT AROSE, WAS THE DEFENDANT ACTING UNDER COLOR OF STATE LAW ☒ YES ☐ NO EXPLAIN IF YES

THIS INCIDENT OCCURED IN A FEDERAL FACILITY EMPLOYED THE DEFENDANTS. (EMPLOYED BY FBOP)

10. DEFENDANT UNKNOWN USP CANAAN STAFF IS A CITIZEN OF PENNSYLVANIA AND WHO IS EMPLOYED AS OFFICER AT THE TIME OF THE CLAIM(S) ALLEGED IN THIS COMPLAINT AROSE, WAS THE DEFENDANT ACTING UNDER COLOR OF STATE LAW ☒ YES ☐ NO EXPLAIN IF YES

THIS INCIDENT OCCURED IN A FEDERAL FACILITY WHICH EMPLOYES THE DEFENDANTS. (EMPLOYED BY FBOP)

C. NATURE OF THE CASE

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UPON MY ARRIVAL AT UNITED STATES PENITENTIARY - CANAAN ON OR ABOUT 9-28-2016, I RECEIVED AN INTAKE MEDICAL EXAM BY DR. DIANE SOMMER, AT WHICH I EXPLAINED TO HER THE FACT THAT I HAD A PRE-EXISTING INJURY OF MY LEFT HIP WHICH OCCURED AT A PRIVATE FACILITY WHILE AWAITING PRE TRAIL AND THAT I WAS STILL EXPERIENCING PAIN. DR. SOMMER NOTED THIS AND ORDERED A XRAY BE PERFORMED SO THAT SHE CAN IDENTIFY THE PROBLEM/SEVERITY OF MY CONDITION. APPROXIMATELY A MONTH LATER (ON OR ABOUT 10-19-2016) AN XRAY WAS TAKEN OF MY LEFT HIP, AT WHICH TIME I WAS INFORMED BY PA-C MRS. RHEA CAREY AND PA-C MR. KENNETH KAISER THAT THE XRAY WAS NEGATIVE AND THAT I WAS FINE. BASED UPON THIS INFORMATION I WENT ABOUT MY BUSINESS (BACK TO MY REGULAR ACTIVITIES). IN DOING SO IT BECAME EVIDENTLY APPARENT THAT SOMETHING WAS INDEED WRONG, DUE TO THE INCREASE IN PAIN AND THE LIMITED MOBILITY I BEGAN TO EXPERIENCES. IN LIGHT OF THESE SYMPTOMS I MADE SEVERAL VISITS TO MEDICAL DEPARTMENT (VIA SICK-CALL) OVER THE NEXT YEAR AND A HALF TRYING TO GET TO THE BOTTOM OF WHAT EXACTLY WAS WRONG WITH MY HIP, BUT TO NO AVAIL SINCE SEVERAL MEDICAL STAFF MEMBERS (MRS. CAREY, MR. KAISER, H. WALTERS AND DR. DIANE SOMMER) REFUSAL TO ACKNOWLEDGE OR TREAT MY WORSENING CONDITION. ON OR ABOUT 12-7-2017, DURING A ROUTINE FOLLOW-UP WITH MR. KAISER PA-C I AGAIN REelayed TO HIM THAT I WAS STILL IN A GREAT DEAL OF PAIN AND HAVING DIFFICULTY DOING EVEN BASIC TASK SUCH AS WALKING, CLEANING, SLEEPING... ETC., WITHOUT EXPERIENCING UNBARABLE PAIN. AT THAT MR. KAISER TOLD ME THAT IF IT CONTINUES TO BE BOTHERSOME HE'LL ORDER A MRI AND FURTHER TREAT. HOWEVER, DESPITE MY NUMEROUS ATTEMPTS TO RECIEVE TREATMENT OVER THE NEXT SEVERAL MONTHS (12/2017 - 10/2018) IT WASNT UNTIL 10-17-2018 DURING A SICK-CALL VISIT WITH MRS. CAREY, PA-C THAT ANOTHER XRAY WAS ORDERED. APPROXIMATELY A WEEK LATER ON OR ABOUT 10-26-2018 A SECOND XRAY WAS TAKEN OF MY LEFT HIP (FOR COMPARISON PURPOSE OF 10-19-2016 XRAY). IT WAS ONLY THEN THAT I WAS TOLD OF THE ACTUAL (REAL) RESULTS OF THE FIRST XRAY AS WELL AS THE FACT MY CONDITION HAD WORSENERD



C. NATURE OF THE CASE

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SIGNIFICANTLY. THE FIRST XRAY REVEALED: ACETABULAR DYSPLASIA ON MY LEFT HIP WITH MINIMAL JOINT SPACE NARROWING. THIS WAS KNOWN BY USP-CANAAN MEDICAL STAFF DEPARTMENT SINCE 10-19-2016. THIS MISDIAGNOSIS AND GROSS NEGLECT BY FOREMENTIONED USP-CANAAN MEDICAL STAFF DEMONSTRATES DELIBERATE INDIFFERENCE TO MY SERIOUS MEDICAL CONDITION AND LEAD TO MY CONDITION BECOMING SIGNIFICANTLY WORSE.

SECOND XRAY (PERFORMED ON 10-26-2018) "2 YRS AFTER FIRST XRAY" REVEALED DYSPLASTIC RADIOGRAPHIC APPEARANCE OF THE LEFT ACETABULAR ROOF, AS WELL AS SUBCHONDRAL SCLEROTIC AND CYSTIC CHANGES AT THE LEFT ACETABULAR ROOF AND MINIMAL, IF ANY, JOINT SPACE NARROWING IN THE LEFT HIP. AS A RESULTS OF THESE FINDING, COUPLED WITH MY CONTINUOUS ATTEMPTS TO RECIEVE TREATMENT (VIA SICK-CALL REQUEST), A MRI WAS EVENTUALLY ORDERED BY DR. DIANE SOMMER AS WELL AS A RECOMMENDATION FOR SURGERY ON OR ABOUT 12-11-2018. A FEW DAYS LATER 12-13-2018 AN MRI WAS PERFORMED. THE FINDINGS WAS DEVASTATING → REVEALED A DECREASE IN THE LEFT FEMORAL HEAD/NECK OFFSET WHICH MAY GIVE RISE TO SYMPTOMS OF FEMOROACETABULAR IMPINGEMENT, AS WELL AS SEVERE OSTEOARTHRITIS OF THE LEFT HIP WITH BONE-ON-BONE CONFIGURATION ANTERIORLY AND SUPERIORLY WITH NUMEROUS SUBCHONDRAL CYSTS IN THE ACETABULUM, MOST PROMINENT ANTERIORLY MEASURING UP TO 1.7 CM. ALSO DISCOVERED WAS THAT FULL THICKNESS OF CHONDRAL WAS LOST AND DIFFUSE TEARING OF THE ANTERIOR AND SUPERIOR LABRUM AS WELL AS SMALL TO MODERATE LEFT HIP JOINT EFFUSION. THROUGHT THESE FINDINGS IT BECAME CLEAR TO ME THAT NOT ONLY WAS USP-CANAAN MEDICAL STAFF MISLEADING ME AND DENYING ME ADEQUATE MEDICAL TREATMENT FOR MY DETERIORATING CONDITION, BUT IT WAS ALSO APPRENT THAT THERE WAS A COVER-UP TAKING PLACE. FOR THE NEXT SEVERAL MONTHS FOLLOWING THE MRI I CONTINUED COMPLAINING AND TRYING TO RECIEVE TREATMENT DUE TO THE FACT THAT I WAS EXPREIENCING ALMOST CONSTANT DEBILITATING PAINS AS WELL AS OFF AND ON WITH CRUTCHES ALL WHILE BEING TOLD OVER AND OVER THAT I'VE BEEN PUT IN FOR SURGERY / TRANSFER FOR A TOTAL HIP REPLACEMENT, (WHICH WAS APPROVED BY THE REGION ON OR ABOUT 5-13-2019) ONLY AFTER 2 1/2 YRS. OF PAIN/TORTURE FROM MY WORSEING CONDITION. HOWEVER THE NEGLECT AND DELIBERATE INDIFFERENCE DID NOT LET UP

C. NATURE OF THE CASE

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FROM THE TIME I WAS APPROVED FOR SURGERY UNTIL NOW IVE BEGUN TO ENCOUNTER ALL TYPES OF MISTREATMENT, NOT ONLY BY MEDICAL STAFF BUT RETALIATION BY CORRECTIONAL OFFICERS IN THE FORMS OF THREATS (THAT IF I DONT STOP BUGGING MEDICAL STAFF I'LL PAY AND NOT GO HOME) AND EVEN RECIEVED FAISIFIED MISCONDUCT REPORT (KNIFE BEING PLANTED IN MY CELL BY C.O.), AFTER SEVERAL LONG PAINFUL MONTHS OF PATIENTLY WAITING FOR MY APPROVED SURGERY TO TAKE PLACE I WAS TOLD ON 11-6-2019 (6 MONTHS AFTER APPROVAL) THAT THE PROCEDURE HAS BEEN CANCELLED DUE TO MY APPROACHING RELEASE DATE 4-29-2020 (WHICH TOO HAS BEEN POST PONED AS A RESULT OF FAISIFIED MISCONDUCT REPORT), AND MY CARE LEVEL WAS DROPPED FROM CARE LEVEL 4 TO CARE LEVEL 2, FURTHER LIMITING MY ACCESS TO MEDICAL ATTENTION.

ON OR ABOUT 11-17-2018 I SUBMITTED A SENSITIVE BP-10 ADDRESSED TO THE REGIONAL DIRECTOR OFFICE (VIA HAND-DELIVERY TO UNIT B-2'S MAIL BOX), WHICH AT THIS POINT SEEMS TO HAVE BEEN INTERCEPTED / CONFISCATED AND DESTROYED BY UNKNOWN USP-CANAMAN STAFF AS AN ATTEMPT TO FURTHER SABATAGE MY ATTEMPT TO REPORT THE FORE-MENTIONED STAFF MISCONDUCT AND INADEQUATE MEDICAL TREATMENT.

ON OR ABOUT 12-1-2018 - 12-13-2018 THERES RECORDED VIA PHONES CALLS FROM PLAINTIFF, TO FAMILY MEMBERS REACHING OUT TO THE REGIONAL OFFICE AND GRANDPARRY STATING NO MEDICAL ATTENTION IS BEING GIVING TO PRISONER / PLAINTIFF. AND DUE TO THE CONTINUED THREATS ON TOP OF RETALIMION AND INTERFERENCE OF MY ATTEMPT TO SEEK ADMINISTRATIVE RELIEF, I NO LONGER FEEL AS THOUGH THAT AVENUE IS READILY AVAILABLE, FORCING ME TO NOW SEEK RELIEF THROUGH THIS HONORABLE COURT.

### C. NATURE OF THE CASE

BRIEFLY state the background of your case.

*PLEASE SEE THE ATTACHMENT labeled "C. Nature of the Case"*

### D. CAUSE OF ACTION

I allege that the following of my constitutional rights, privileges, or immunities have been violated and that the following facts form the basis of my allegations: (If more space is needed to explain any allegation or to list additional supporting facts, continue on a blank sheet which you should label "D. CAUSE OF ACTION.")

Claim I:

*Please see the Attachment labeled  
"D. Cause of Action/(Claim #1)"*

Supporting Facts: (Include all facts you consider important, including names of persons involved, places, and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

*Please see the Attachment labeled  
"Supporting Facts (Claim #1)"*

Claim II:

*Please see the Attachment labeled  
"D. Cause of Action/(Claim #2)"*

Supporting Facts: "



D. CAUSE OF ACTION

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Claim #1. Violation of my EIGHT AMENDMENT RIGHTS

- DELIBERATE INDIFFERENCE
- CRUEL AND UNUSUAL PUNISHMENT / CONDITION OF CONFINEMENT
- MEDICAL NEGLIGENCE

\* RIGHTS VIOLATED DIRECTLY BY:

- DR. DIANE SOMMER (SUED IN INDIVIDUAL CAPACITY)
- DR. S. MOWATT (SUED IN INDIVIDUAL CAPACITY)
- PA-C, RHEA CAREY (SUED IN INDIVIDUAL CAPACITY)
- PA-C, H. WALTERS (SUED IN INDIVIDUAL CAPACITY)
- PA-C, KENNETH KAISER (SUED IN INDIVIDUAL CAPACITY)
- REGIONAL CLINICAL DIRECTOR (SUED IN INDIVIDUAL & OFFICIAL CAPACITY)

\* RIGHTS VIOLATED INDIRECTLY BY:

- WARDEN, ERIC BRADLEY (SUED IN INDIVIDUAL & OFFICIAL CAPACITY)
- ASSOCIATE WARDEN, MR. ECKERT (SUED IN INDIVIDUAL & OFFICIAL CAPACITY)

\* SUPPORTING FACTS (CLAIM #1):

MY EIGHTH AMENDMENTS RIGHTS WERE VIOLATED BY THE ABOVE LISTED DEFENDANTS DUE TO THEIR BEING DELIBERATELY INDIFFERENT TO MY SERIOUS MEDICAL NEEDS. THESE OFFICIALS ALL KNEW OF AND DISREGARDED AN EXCESSIVE RISK TO MY HEALTH AND SAFETY WHEN THEY KNEW OF MY SERIOUS MEDICAL CONDITION AND NOT ONLY MISINFORMED ME AS TO THE EXTENT OF MY INJURY BUT FAILED TO ADEQUATELY TREAT IT IN A TIMELY MANNER. FOUR YEARS OF SUFFERING FROM CHRONIC AND SEVERE HIP PAIN IS SERIOUS AND AMOUNTS TO CRUEL AND UNUSUAL PUNISHMENT. THE FAILURE OF THESE MEDICAL PROFESSIONALS AND EXECUTIVE STAFF TO ADEQUATELY RESPOND TO ON-GOING COMPLAINTS OF CHRONIC AND DEBILITATING PAIN CONSTITUTES DELIBERATE INDIFFERENCE EVEN THOUGH I REGULARLY RECEIVED MEDICAL SERVICES. EVEN WHEN PRISON OFFICIALS "CONTINUOUSLY ASSESSED AND MONITORED" MY CONDITION, THAT ALONE DOES NOT EXCUSE THE FAILURE TO PROVIDE ADEQUATE TREATMENT IN A MEANINGFUL TIME FRAME. EVEN IF AN INMATE RECEIVES "EXTENSIVE MEDICAL CARE" AN EIGHTH AMENDMENT CLAIM IS STILL STATED IF THE

D. CAUSE OF ACTION

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GRAVEMAN OF HIS PROBLEM IS NOT ADEQUATELY ADDRESSED. FURTHER, PERSISTING IN A COURSE OF TREATMENT THAT IS INEFFECTIVE MAY IN ITSELF CONSTITUTE DELIBERATE INDIFFERENCE. ESPECIALLY WHEN TREATMENT "CONSISTED OF LITTLE MORE THAN DOCUMENTING MY WORSENING CONDITION" AND CONTINUING INEFFECTIVE TREATMENT, NOT WITH STANDING FREQUENT EXAMINATIONS AND EVENTUAL REFERRAL TO OUTSIDE SPECIALIST. AND WHEN PRISON OFFICIALS OR MEDICAL STAFF DO REFER A PRISONER TO AN OUTSIDE CONSULTANT, THEY ARE IN EFFECT CONCEDED THAT THEIR OWN JUDGEMENT IS NOT SUFFICIENT TO ADDRESS THE PRISONERS MEDICAL CONDITION. EIGHTH AMENDMENT IS VIOLATED EVEN WHEN AN INMATE IS FORCED TO WAIT MONTHS IN CHRONIC PAIN FOR APPOINTMENTS WITH OUTSIDE SPECIALIST CLINICS. NECESSARY OUTSIDE APPOINTMENTS MUST BE PROVIDED WITHOUT EXCESSIVE DELAY. THE EIGHTH AMENDMENT FORBIDS NOT ONLY DEPRIVATIONS OF MEDICAL CARE THAT PRODUCE PHYSICAL TORTURE AND LINGERING DEATH BUT ALSO LESS SERIOUS DENIALS WHICH CAUSE OR PERPETUATE PAIN. \*SOME COURTS HAVE SAID THAT A SHOWING OF "SUBSTANTIAL HARM" IS NECESSARY FOR DELAY IN TREATMENT TO BE CONSIDERED SERIOUS, BUT PAIN AND SUFFERING RESULTING FROM THE DELAY CAN SATISFY THAT REQUIREMENT. IN MY CASE THE DELAY FOR ADEQUATE/EFFECTIVE TREATMENT HAS BEEN 3 1/2 YEARS AND COUNTING, AND NOT ONLY HAS THIS DELAY RESULTED IN UNBARABIE AMOUNTS OF PAIN, IT HAS ALSO CAUSED MY HIP TO BECOME TOTALLY IRREPAIRABLE REQUIRING A COMPLETE REPLACEMENT. 3 1/2 YEARS AGO, IF PROPERLY DEALT WITH MAYBE MY HIP COULD HAVE BEEN SAVED, MAYBE NOT. BUT 3-4 YEARS OF NON-STOP PAIN IN ITSELF AMOUNTS TO CRUEL AND UNUSUAL PUNISHMENT. DEFENDANTS BECAME AWARE OF MY SERIOUS MEDICAL CONDITION AS OF 10-19-2016, ITS WORSENING 9-29-2017 TO PRESENT (VIA NUMEROUS SICK-CALL VISITS AND ROUTINE FOLLOW-UPS AND EVENTUAL 3RD XRAY AND MRI), SURGERY RECOMMENDED BY DR. SOMMER AS EARLY AS 12-11-2018. THE APPROVAL FOR SURGERY BY WARDEN ERIC BRADLEY, ASSOCIATE WARDEN MR. ECKERT AND REGIONAL CLINICAL DIRECTOR TOOK 5 MONTHS (SURGERY APPROVED AS OF 5-13-2019) JUST TO HAVE THE PROCEDURE CANCELLED SOME 5 MONTHS LATER (ON 10-13-2019) WITH ONLY EXCUSE AS "INMATE HAD ONLY 7 MONTH"

D. CAUSE OF ACTION

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UNTIL HIS RELEASE AND WERE UNCERTAIN THAT THE PROCEDURE COULD BE SEEN ALL THE WAY THROUGH TO COMPLETION" (SEE: INSTITUTION MEDICAL RECORDS). MY INITIAL (INTAKE) MEDICAL EXAM UPON MY ARRIVAL INTO USP-CANADON (ON 9-28-2016) WAS PERFORMED BY DR. DIANE SOMMER AT WHICH TIME I EXPLAINED TO HER THE EXISTANCE OF RE OCCURRING PAINS AND DISCOMFORT IN MY LEFT HIP DUE TO AN INJURY WHICH OCCURRED PREVIOUSLY. DR. SOMMER ORDERED AN XRAY. XRAY WAS TAKEN ON 10-19-2016 WHICH SHOWED DAMAGE TO MY LEFT HIP. HOWEVER, I WAS MISINFORMED BY PA-C MR. KENNETH KAISER AND PA-C MRS. RITA CAREY THAT XRAY WAS NORMAL AND THAT MY HIP WAS FINE. THIS MISINFORMATION CONTINUED OVER THE COURSE OF THE NEXT YEAR BY MRS. CAREY AND MR. K. KAISER DURING NUMEROUS SICK-CALL VISITS AND ROUTINE FOLLOW-UPS. DUE TO MY PERSISTANT COMPLAINTS OF WORSENING AND UNBARABIE PAIN, A SECOND XRAY WAS ORDERED ON 10-17-2018 BY MRS. CAREY AT WHICH TIME FURTHER DAMAGE TO MY LEFT HIP WAS DISCOVERED AND MRI AND ORTHOPEDIC SURGERY HAD TO BE ORDERED BY DR. DIANE SOMMER ON 12-11-2018. MRI WAS COMPLETED ON 12-13-2018 WHICH REVEALED A SIGNIFICANT AMOUNT OF DAMAGE TO MY LEFT HIP. WAS DISCOVERED AGAIN SURGERY WAS ORDERED. 5 MONTHS LATER (5-13-2019) SURGERY WAS FINALLY APPROVED BY WARDEN BRADLEY, ASSOCIATE WARDEN MR. ECKERT AND REGIONAL CLINICAL DIRECTOR. 5 MONTHS LATER (ON 10-3-2019) PROCEDURE WAS CANCELLED WITH EXCUSE SAID TO BE MY RELEASE DATE ONLY 7 MONTHS AWAY AND UNCERTAINTY AS TO BEING ABLE TO SEE THE PROCEDURE ALL THE WAY THROUGH TO COMPLETION. THEREFORE MY CARE LEVEL WAS LOWERED BY DR. S. MOWATT FROM CARE LEVEL 4 TO CARE LEVEL 2, FURTHER LIMITING MY ACCESS TO MEDICAL ATTENTION. THESE FOREMENTIONED FACTS ARE SUFFICIENT TO SHOW THAT EACH DEFENDANT ACTED WITH A KNOWING AND CULPABLE PURCHASE FOR MY WELL BEING, DEMONSTRATED BY CIRCUMSTANCES SUCH AS INTENTIONALLY DENYING OR DELAYING ACCESS TO MUCH NEEDED MEDICAL CARE AND INTENTIONALLY INTERFERING WITH TREATMENT ONCE IT WAS EVENTUALLY PRESCRIBED. THIS AMOUNT TO DELIBERATE INDIFFERENCE, WHICH IS STRICTLY PROHIBITED BY EIGHTH AMENDMENT'S PROHIBITION AGAINST ANY PUNISHMENT WHICH VIOLATES CIVILIZED STANDARD OF DECENCY OR "INVOLVES UNCESSARY AND WANTON INFLICTION PAIN."

D. CAUSE OF ACTION

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CLAIM #2. VIOLATION OF MY FIRST AMENDMENT RIGHTS

- FREEDOM OF SPEECH
- RETALIATORY CONDUCT

RIGHTS VIOLATED DIRECTLY BY:

- OFFICER T. SYKES (SUED IN INDIVIDUAL CAPACITY)
- UNKNOWN STAFF / JOHN DOE (SUED IN INDIVIDUAL CAPACITY)

SUPPORTING FACTS (CLAIM #2):

MY FIRST AMENDMENT RIGHTS WERE VIOLATED BY OFFICER T. SYKES WHEN HE MADE REPEATED THREATS TOWARDS ME TO "MAKE ME PAY" IF I "KEEP BUGGING MEDICAL STAFF FOR TREATMENT" BETWEEN 11-17-2018 AND 1-22-2020. THIS OFFICER TOOK HIS THREAT A STEP FURTHER ON 1-22-2020 WHEN HE CAME FROM HIS ASSIGNED POST ON UNIT A-1 TO MY ASSIGNED UNIT B-2 TO CONDUCT A CELL SEARCH OF MY CELL. IT WAS AT THAT TIME THAT HE INTENTIONALLY PLANTED AND ALLEGEDLY RECOVERED A HOME MADE KNIFE INSIDE OF MY CELL AND FABRICATED / FAISIFIED A MISCONDUCT REPORT ALLEGING MY POSSESSION OF SAID WEAPON. WITH NO REAL ARGUABLE WAY TO REFUTE SUCH ALLEGATIONS, I WAS EVENTUALLY FOUND GUILTY OF THIS FABRICATED INFRACTION BY THE INSTITUTIONS HEARING EXAMINER WITHOUT BEING AFFORDED ANY MEASURE OF DUE PROCESS AND SANCTIONED TO 30 DAYS SEGREGATION, LOSS OF COMMISSARY, EMAIL, MP3 FOR 270 DAYS AND 41 DAYS LOSS OF GOOD TIME - PUSHING MY RELEASE DATE EVEN FURTHER, MAKING IT NOW LONGER THAT I MUST ENDURE CHRONIC PAIN FROM MY UNTREATED AND WORSENING MEDICAL CONDITION.

I HAVE THE RIGHT TO VOICE MY CONCERNS AND ADDRESS MY MEDICAL ISSUE TO MEDICAL STAFF REGARDING MY WORSENING CONDITION WITHOUT BEING SUBJECTED TO ADVERSE ACTION BY STAFF IN THE FORM OF RETALIATORY CONDUCT (FAISIFIED MISCONDUCT REPORT RESULTING IN EXTENDED TIME IN PRISON). ESPECIALLY WHEN MY CONSTITUTIONALLY PROTECTED SPEECH OR CONDUCT WAS A SUBSTANTIAL OR MOTIVATING FACTOR IN OFFICER T. SYKES ADVERSE ACTIONS. BASED UPON HIS

REPEATED THREATS/COMMENTS THAT REFERENCED MY ATTEMPTS TO OBTAIN ADEQUATE MEDICAL CARE, IT IS CLEAR THAT THIS OFFICER VIOLATED MY FIRST AMENDMENT RIGHTS.

ON OR ABOUT 11-17-2018 I ATTEMPTED TO FILE A "SENSITIVE" BP-10 (ADMINISTRATIVE REMEDY) BY HAND-DELIVERING (VIA US MAIL BOX ON UNIT B2) A DETAILED COMPLAINT TO THE REGIONAL DIRECTOR'S OFFICE ADDRESSING MEDICAL DEPARTMENT'S DENIAL OF TREATMENT FOR MY WORSENING CONDITION. IN THE COMPLAINT I ALSO DESCRIBED MY FEAR OF RETALIATION, BASED ON OFFICER T. SYKES THREATS AS WELL AS THE PATTERN OF ABUSE HERE AT USP-CANAN TOWARDS INMATES WHO INITIATE COMPLAINTS ON STAFF AS OF LATELY. AND WITH OFFICERS PLANTING WEAPONS AND BEATING INMATES FOR COMPLAINING, I WAS IN FEAR OF FILING MY COMPLAINT WITHIN THE INSTITUTION. HOWEVER, THIS COMPLAINT NEVER REACHED ITS DESTINATION, MEANING SOME UNKNOWN STAFF MEMBER PURPOSELY/INTENTIONALLY INTERCEPTED MY MAIL/ COMPLAINT (OUT OF RETALIATION) AND DISPOSED OF IT ONCE AGAIN INFRINGING ON MY FIRST AMENDMENT RIGHT TO EXPRESSION/SPEECH. THIS ALONG WITH OFFICER T. SYKES ACTIONS AND THREATS RENDERED THE ADMINISTRATIVE REMEDY PROCESS "UNAVAILABLE" TO ME. THEREFORE, I HAVE NO OTHER OPTION BUT TO FILE THIS COMPLAINT TO THIS HONORABLE COURT AND PRAY THAT IT IS ACCEPTED AND IS TAKEN INTO CONSIDERATION CONSIDERING MY PRO SE STATUS.



DEAR CLERK OF COURT,

I, CHRISTOPHER GRAHAM SENT THIS COURT HOUSE A CIVIL SUIT ACTION FORM IN A TIMELY MANNER. IT WAS SENT CERTIFIED MAIL, TRACKER NUMBER 7019 1120 0001 6983 - 0002. IM WRITING ASKING IF THE COURT CAN FORWARD THIS EXHIBIT - "D. CAUSE OF ACTION" TO MY CIVIL ACTION FORM I SENT TO THIS CLERK OF COURT PLEASE. THE REASON WHY IT WASNT SENT ALL TOGETHER BECAUSE I HAD A TIME LIMIT AND I WANTED TO MEET BEFORE THE DEADLINE. SO I FORWARD WHAT I FINISHED FIRST NOW IM ASKING FOR THE COURTS TO PLACE THIS EXHIBIT - "D-CAUSE OF ACTION" WITH MY CIVIL ACTION APPLICATION.

THANKS

CAN I PLEASE HEAR BACK FROM  
THIS COURT ON THIS MATTER?

FILED  
SCRANTON

APR 07 2020

Per SP  
DEPUTY CLERK

Sincerely  
CR Kyle

D. CAUSE OF ACTION

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CLAIM #2. VIOLATION OF MY FIRST AMENDMENT RIGHTS

- FREEDOM OF SPEECH
- RETALIATORY CONDUCT

RIGHTS VIOLATED DIRECTLY BY:

- OFFICER T. SYKES (SUED IN INDIVIDUAL CAPACITY)
- UNKNOWN STAFF / JOHN DOE (SUED IN INDIVIDUAL CAPACITY)

SUPPORTING FACTS (CLAIM #2):

MY FIRST AMENDMENT RIGHTS WERE VIOLATED BY OFFICER T. SYKES WHEN HE MADE REPEATED THREATS TOWARDS ME TO "MAKE ME PAY" IF I "KEEP BUGGING MEDICAL STAFF FOR TREATMENT" BETWEEN 11-17-2018 AND 1-22-2020. THIS OFFICER TOOK HIS THREAT A STEP FURTHER ON 1-22-2020 WHEN HE CAME FROM HIS ASSIGNED POST ON UNIT A-1 TO MY ASSIGNED UNIT B-2 TO CONDUCT A CELL SEARCH OF MY CELL. IT WAS AT THAT TIME THAT HE INTENTIONALLY PLANTED AND ALLEGEDLY RECOVERED A HOME MADE KNIFE INSIDE OF MY CELL AND FABRICATED / FAISIFIED A MISCONDUCT REPORT ALLEGING MY POSSESSION OF SAID WEAPON. WITH NO REAL ARGUABLE WAY TO REFUTE SUCH ALLEGATIONS, I WAS EVENTUALLY FOUND GUILTY OF THIS FABRICATED INFRACTION BY THE INSTITUTIONS HEARING EXAMINER WITHOUT BEING AFFORDED ANY MEASURE OF DUE PROCESS AND SANCTIONED TO 30 DAYS SEGREGATION, LOSS OF COMMISSARY, EMAIL, MP3 FOR 270 DAYS AND 41 DAYS LOSS OF GOOD TIME - PUSHING MY RELEASE DATE EVEN FURTHER, MAKING IT NOW LONGER THAT I MUST ENDURE CHRONIC PAIN FROM MY UNTREATED AND WORSENING MEDICAL CONDITION.

I HAVE THE RIGHT TO VOICE MY CONCERNS AND ADDRESS MY MEDICAL ISSUE TO MEDICAL STAFF REGARDING MY WORSENING CONDITION WITHOUT BEING SUBJECTED TO ADVERSE ACTION BY STAFF IN THE FORM OF RETALIATORY CONDUCT (FAISIFIED MISCONDUCT REPORT RESULTING IN EXTENDED TIME IN PRISON). ESPECIALLY WHEN MY CONSTITUTIONALLY PROTECTED SPEECH OR CONDUCT WAS A SUBSTANTIAL OR MOTIVATING FACTOR IN OFFICER T. SYKES ADVERSE ACTIONS. BASED UPON HIS

REPEATED THREATS/COMMENTS THAT REFERENCED MY ATTEMPTS TO OBTAIN ADEQUATE MEDICAL CARE, IT IS CLEAR THAT THIS OFFICER VIOLATED MY FIRST AMENDMENT RIGHTS.

ON OR ABOUT 11-17-2018 I ATTEMPTED TO FILE A "SENSITIVE" BP-10 (ADMINISTRATIVE REMEDY) BY HAND-DELIVERING (VIA US MAIL BOX ON UNIT B2) A DETAILED COMPLAINT TO THE REGIONAL DIRECTOR'S OFFICE ADDRESSING MEDICAL DEPARTMENT'S DENIAL OF TREATMENT FOR MY WORSENING CONDITION. IN THE COMPLAINT I ALSO DESCRIBED MY FEAR OF RETALIATION, BASED ON OFFICER T. SYKES THREATS AS WELL AS THE PATTERN OF ABUSE HERE AT USP (CARAN) TOWARDS INMATES WHO INITIATE COMPLAINTS ON STAFF AS OF LATELY. AND WITH OFFICERS PLANTING WEAPONS AND BEATING INMATES FOR COMPLAINING, I WAS IN FEAR OF FILING MY COMPLAINT WITHIN THE INSTITUTION. HOWEVER, THIS COMPLAINT NEVER REACHED ITS DESTINATION, MEANING SOME UNKNOWN STAFF MEMBER PURPOSELY/INTENTIONALLY INTERCEPTED MY MAIL/ COMPLAINT (OUT OF RETALIATION) AND DISPOSED OF IT ONCE AGAIN INFRINGING ON MY FIRST AMENDMENT RIGHT TO EXPRESSION/SPEECH. THIS ALONG WITH OFFICER T. SYKES ACTIONS AND THREATS RENDERED THE ADMINISTRATIVE REMEDY PROCESS "UNAVAILABLE" TO ME. THEREFORE, I HAVE NO OTHER OPTION BUT TO FILE THIS COMPLAINT TO THIS HONORABLE COURT AND PRAY THAT IT IS ACCEPTED AND IS TAKEN INTO CONSIDERATION CONSIDERING MY PRO SE STATUS.

CHRISTOPHER GRAHAM #23170014  
UNITED STATES PENITENTIARY CANAAN  
PO-BOX 300  
WAYMART, PENNSYLVANIA 18472

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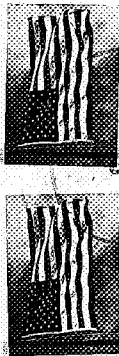
WILLIAM J. NEALON FEDERAL BUILDING  
U.S. COURT HOUSE, MIDDLE DISTRICT OF P.A.  
CLERK OF COURT OFFICE  
235 NORTH WASHINGTON AVE. ROOM 101  
SCRANTON, PENNSYLVANIA 18503

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Claim III: \_\_\_\_\_

Supporting Facts: \_\_\_\_\_

### E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment? \_\_\_\_ Yes ☒ No. If your answer is "Yes," describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits using this same format on a blank sheet which you should label "E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF.")

a. Parties to previous lawsuit:

Plaintiff(s):

N/A

Defendant(s):

N/A

b. Name and location of court and docket number

N/A

c. Disposition of lawsuit. (For example, was the case dismissed? Was it appealed? Is it still pending?)

N/A

d. Issues raised:

N/A

e. Approximate date of filing lawsuit:

N/A

f. Approximate date of disposition:

N/A



2. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part D. Yes ☒ No.

If your answer is "Yes," briefly describe how relief was sought and the results.

3. I have exhausted available administrative remedies. Yes ☒ No. If your answer is "Yes," briefly explain the steps taken. Attach proof of exhaustion. If your answer is "No," briefly explain why administrative remedies were not exhausted.

Administrative Remedies were deemed "unavailable" due to staff's purposely intercepting my out-going Administrative Remedy forms addressed to the Regional office and due to several threats made towards me if I continued my attempts to seek administrative remedy along with retaliatory actions on several staff's part. I feared further pursuit.

#### F. PREVIOUSLY DISMISSED ACTIONS OR APPEALS

1. If you are proceeding under 28 U.S.C. § 1915, please list each civil action or appeal you have brought in a court of the United States, while you were incarcerated or detained in any facility, that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Please describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a blank sheet which you should label "F. PREVIOUSLY DISMISSED ACTIONS OR APPEALS."

a. Parties to previous lawsuit:

Plaintiff(s):

N/A

Defendant(s):

N/A

b. Name and location of court and docket number

N/A

c. Grounds for dismissal: ( ) frivolous ( ) malicious ( ) failure to state a claim upon which relief may be granted.

d. Approximate date of filing lawsuit:

N/A

e. Approximate date of disposition:

N/A

2. Are you in imminent danger of serious physical injury? ☒ Yes ☐ No. If your answer is "Yes," please describe the facts in detail below without citing legal authority or argument.

There has been several threats made by staff here to physically harm me if I continue this pursuit for justice as well as attempts to sabotage my health and safety along with my freedom

#### G. REQUEST FOR RELIEF

- I request the following relief:
- ① Adequate treatment for my worsening condition.
  - ② Mistreatment and retaliation to stop and if not immediate transfer to a safer environment/institution that this Honorable Court sees fit
  - ③ Compensatory damages in the amount of \$400,000.00 per defendant ~~and punitive damages in the amount of \$400,000.00 per defendant~~ in their official capacities as well as their individual capacities, as noted in section D of this complaint. \$1,000,000 comp. and 1,000,000 punitive
  - ④ any other relief this Honorable Court sees appropriate.

\_\_\_\_\_  
Original signature of attorney (if any)

  
Prisoner's Original Signature

\_\_\_\_\_  
Attorney's full address and telephone

#### DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at USP-Canaan on March 30, 2020.  
(location) (date)

  
Prisoner's Original Signature

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

CHRISTOPHER RASHAD GRAHAM SR.

Date: MARCH 30, 2020

DEAR CLERK OF COURT OFFICE,

I, CHRISTOPHER GRAHAM #23170-014 AM  
CURRENTLY SERVING OUT A FEDERAL SENTENCE WHICH  
ENDS MAY 6, 2020. IM SUBMITTING THIS CIVIL ACTION  
WITH MY CURRENT ADDRESS WHICH WILL BE CHANGING  
ON MAY 6, 2020 NOT KNOWING IF COURT OF P.A WILL BE  
ADDRESSING ME BACK BEFORE THE END OF MY SENTENCE  
IF THE COURT DECISION TAKES OVER MAY 6, 2020 IM  
RESPECTFULLY ASKING IF THE COURT WILL ALLOW MY  
FORWARD ADDRESS TO BE SUBMITTED WITH THIS PACKAGE.  
IF ANY PROBLEMS CAN THE COURT RESPECTFULLY GUIDE ME  
ON THE PROPER STEPS OF A FORWARD ADDRESS BEFORE MY  
SENTENCE ENDS MAY 6, 2020.

MY FORWARD ADDRESS IS:

CHRISTOPHER GRAHAM  
199 CLINTON AVE. 3RD FL  
NEWHAVEN, CONNECTICUT 06513



CHRISTOPHER GRAHAM #23170-014  
UNITED STATES PENITENTIARY - CANAAN  
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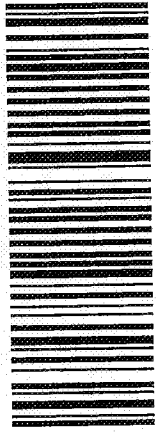
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